

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

WILLIAM R. STONEHOUSE, JR.
1954 Mill Road
Donnellson, IA 52625,

Plaintiff,

And

LIBERTY INSURANCE CORPORATION
175 Berkeley Street
Boston, MA 02117,

Subrogated Plaintiff,

v.

Case No. 21-CV-673

BAUMAN CONSTRUCTION OF
CHIPPEWA FALLS, INC.
3644 130th Street
Chippewa Falls, WI 54729,

Defendant.

COMPLAINT

The Plaintiff, William R. Stonehouse, Jr., by his undersigned counsel of record pleads as follows:

THE PARTIES

1. William R. Stonehouse, Jr. (“Stonehouse”) is an adult resident of the State of Iowa currently residing at 1954 Mill Road, Donnellson, IA 52625.

2. Liberty Insurance Corporation is an Illinois corporation with its principal place of business located in Massachusetts. Liberty Insurance Corporation is the

worker's compensation insurer for NCI/Cornerstone Building Brands and as such may have a subrogated interest in the claim of Stonehouse. Liberty Insurance Corporation is named as a subrogated plaintiff pursuant to the provisions of Wis. Stat. § 803.04 (2). Upon information and belief, Liberty Insurance Corporation has paid worker's compensation benefits to Mr. Stonehouse of more than \$200,000.00 as of the date of this complaint.

3. Bauman Construction of Chippewa Falls, Inc. ("Bauman Construction") is a Wisconsin corporation with its principal place of business located at 3644 130th Street, Chippewa Falls, Wisconsin.

JURISDICTION AND VENUE

4. Jurisdiction exists in this court pursuant to the provisions of 28 U.S.C. § 1332 based upon diversity of citizenship and the fact that the amount in controversy is greater than \$75,000.00.

5. Venue is appropriate in this court because the defendant resides in this judicial district and a substantial part of the events or omissions giving rise to the claim advanced in this case arose in this judicial district consistent with the provisions of 28 U.S.C. § 1391(b)(1), and (2).

CLAIM FOR RELIEF—NEGLIGENCE

6. At all times pertinent to the allegations in this complaint, Stonehouse was a commercial driver for NCI/Cornerstone Building Brands.

7. On December 6, 2019, Stonehouse was delivering steel to Bauman Construction at 3644 130th Street, Chippewa Falls, Wisconsin.

8. In the process of the delivery, an employee of Bauman Construction was operating a forklift vehicle to lift the steel from Stonehouse's tractor-trailer unit.

9. The forklift operator began to lift and move the load before Stonehouse was off of the bed of the trailer where the steel was located.

10. During the lifting process the operator looked away from the load. At that time, the load fell off of the forklift and struck Stonehouse causing severe and permanent injuries.

11. Bauman Construction's employees were negligent in the loading and operation of the forklift truck to remove the load from Stonehouse's trailer.

12. Stonehouse's injuries which included among other things, neck and back fractures, ankle fracture, a laceration to his head. Stoneman endured multiple surgeries including fusion of vertebrae in his neck. Bauman Construction's negligence was a cause of these injuries.

13. Stonehouse and Liberty have incurred medical costs and will continue to incur medical costs as a result of Stonehouse's injury. More than \$96,000 in medical expenses were incurred as of the date of this complaint.

14. Stonehouse has suffered a significant wage loss and loss of earning capacity as a result of the injuries. More than \$100,000 in wage loss occurred prior to the filing of this complaint.

15. Stonehouse has suffered significant pain, and disability as a result of the injuries.

17. Bauman Construction, as a result of its negligence, is liable to Stonehouse to compensate him for his injuries, past and future medical expenses and lost wages and earning capacity, and pain, suffering and disability caused by the accident.

WHEREFORE, William R. Stonehouse, Jr., demands judgement as follows:

1. For damages in an amount to be determined by the jury;
2. For his costs, disbursements and attorney's fees as provided by law.

Dated this 25th day of October, 2021.

TREBLAW, LLC
/s/Chris J. Trebatoski
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Jury Demand

William R. Stonehouse, Jr. hereon demands these claims be tried before a jury.

Dated this 25th day of October, 2021.

TREBLAW, LLC

/s/Chris J. Trebatoski

Chris J. Trebatoski

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